

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN ROBERT MCCARTY,

Defendant.

Case No. 3:22-CR-00421-IM-1

**CRIMINAL CASE
MANAGEMENT ORDER**

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Attorneys for Defendant

Immergut, Judge.

Unless otherwise ordered by the Court, the parties shall comply with the following requirements when requesting a continuance of the trial date and submitting trial documents.

1. Motions to Continue: Any motion to continue trial must be in writing and submitted ***no later*** than Noon on the Tuesday two weeks before the existing trial date. The Motion shall be accompanied by:

- a. An affidavit or other source of evidence from which the Court may make factual findings sufficient under the Speedy Trial Act to allow a continuance, including but not limited to:
- (1) The calendaring history of the case, including the number of previous continuances, and a computation of the time remaining under the Speedy Trial Act calculated from the filing of the charging instrument or Defendant's first appearance, whichever is later;
 - (2) The reasons a continuance is necessary, stated with sufficient specificity¹ to permit the Court to make findings concerning both the necessity for and the extent of a continuance;
 - (3) The *facts* from which the Court may conclude the moving Defendant understands the rights provided by the Speedy Trial Act but agrees with the proposed continuance for the purposes stated and the extent requested;
 - (4) The positions of all other parties concerning the proposed continuance; and
 - (5) A calculation of the time the moving Defendant has been in custody solely because the Defendant is awaiting trial (18 U.S.C. § 3164(c)).

2. Trial Documents

- a. **Twenty-one (21) days prior to trial**, the parties shall simultaneously file the following pretrial documents:
- (1) all motions *in limine*:

¹ If necessary to prevent disclosure of work product or other privileged material, a party may submit an additional affidavit under seal setting out the facts that warrant a continuance.

- (2) trial memoranda;
- (3) proposed jury instructions following Ninth Circuit Model Jury Instructions when possible (parties shall jointly submit one set of agreed upon jury instructions, in plain text or rich text format (Word compatible) as an attachment to an email message sent to the Judge's Courtroom Deputy Clerk immediately following the electronic filing of the proposed instructions (see LR 51-1(d)(2))). All modifications to the 9th Circuit Model Criminal Instructions shall be in italics and bold. Parties should only file separately each instruction not agreed upon including annotations with legal authority to support each instruction;
- (4) proposed form of verdict;
- (5) proposed *voir dire* questions;
- (6) exhibit lists (parties shall include notation for each exhibit whether the opposing party objects and the legal ground for the objection); and
- (7) witness lists, including summaries of any expert testimony.

- b. **Fourteen (14) days prior to trial**, any responses to the above documents shall be filed.

IT IS SO ORDERED.

DATED this December 6, 2022

/s/ Karin J. Immergut
KARIN J. IMMERGUT
United States District Judge

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